

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 428
AN ACT

To repeal sections 301.193 and 301.260, RSMo, and to enact in lieu thereof three new sections relating to the registration and licensing of motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 301.193 and 301.260, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as
3 sections 301.193, 301.260, and 301.642, to read as follows:

4 301.193. 1. Any person who purchases or is the owner of
5 real property on which vehicles, as defined in section 301.010,
6 vessels or watercraft, as defined in section 306.010, or outboard
7 motors, as that term is used in section 306.530, have been
8 abandoned, without the consent of said purchaser or owner of the
9 real property, may apply to the department of revenue for a
10 certificate of title. Any insurer which purchases a vehicle
11 through the claims adjustment process for which the insurer is
12 unable to obtain a negotiable title may make an application to
13 the department of revenue for a salvage certificate of title
14 pursuant to this section. Prior to making application for a
15 certificate of title on a vehicle under this section, the insurer
16 or owner of the real estate shall have the vehicle inspected by
17 law enforcement pursuant to subsection 9 of section 301.190, and

1 shall have law enforcement perform a check in the national crime
2 information center and any appropriate statewide law enforcement
3 computer to determine if the vehicle has been reported stolen and
4 the name and address of the person to whom the vehicle was last
5 titled and any lienholders of record. The insurer or owner or
6 purchaser of the real estate shall, thirty days prior to making
7 application for title, notify any owners or lienholders of record
8 for the vehicle by certified mail that the owner intends to apply
9 for a certificate of title from the director for the abandoned
10 vehicle. The application for title shall be accompanied by:

11 (1) A statement explaining the circumstances by which the
12 property came into the insurer, owner or purchaser's possession;
13 a description of the property including the year, make, model,
14 vehicle identification number and any decal or license plate that
15 may be affixed to the vehicle; the current location of the
16 property; and the retail value of the property;

17 (2) An inspection report of the property, if it is a
18 vehicle, by a law enforcement agency pursuant to subsection 9 of
19 section 301.190; and

20 (3) A copy of the thirty-day notice and certified mail
21 receipt mailed to any owner and any person holding a valid
22 security interest of record.

23 2. Upon receipt of the application and supporting
24 documents, the director shall search the records of the
25 department of revenue, or initiate an inquiry with another state,
26 if the evidence presented indicated the property described in the
27 application was registered or titled in another state, to verify
28 the name and address of any owners and any lienholders. If the

1 latest owner or lienholder was not notified the director shall
2 inform the insurer, owner, or purchaser of the real estate of the
3 latest owner and lienholder information so that notice may be
4 given as required by subsection 1 of this section. Any owner or
5 lienholder receiving notification may protest the issuance of
6 title by, within the thirty-day notice period and may file a
7 petition to recover the vehicle, naming the insurer or owner of
8 the real estate and serving a copy of the petition on the
9 director of revenue. The director shall not be a party to such
10 petition but shall, upon receipt of the petition, suspend the
11 processing of any further certificate of title until the rights
12 of all parties to the vehicle are determined by the court. Once
13 all requirements are satisfied the director shall issue one of
14 the following:

15 (1) An original certificate of title if the vehicle
16 examination certificate, as provided in section 301.190,
17 indicates that the vehicle was not previously in a salvaged
18 condition or rebuilt;

19 (2) An original certificate of title designated as prior
20 salvage if the vehicle examination certificate as provided in
21 section 301.190 indicates the vehicle was previously in a
22 salvaged condition or rebuilt;

23 (3) A salvage certificate of title designated with the
24 words "salvage/abandoned property" or junking certificate based
25 on the condition of the property as stated in the inspection
26 report. An insurer purchasing a vehicle through the claims
27 adjustment process under this section shall only be eligible to
28 obtain a salvage certificate of title or junking certificate.

1 3. Any insurer which purchases a vehicle that is currently
2 titled in Missouri through the claims adjustment process for
3 which the insurer is unable to obtain a negotiable title may make
4 application to the department of revenue for a salvage
5 certificate of title or junking certificate. Such application
6 may be made by the insurer or its designated salvage pool on a
7 form provided by the department and signed under penalty of
8 perjury. The application shall include a declaration that the
9 insurer has made at least two written attempts to obtain the
10 certificate of title, transfer documents, or other acceptable
11 evidence of title, and be accompanied by proof of claims payment
12 from the insurer, evidence that letters were [delivered] sent to
13 the vehicle owner, a statement explaining the circumstances by
14 which the property came into the insurer's possession, a
15 description of the property including the year, make, model,
16 vehicle identification number, and current location of the
17 property, and the fee prescribed in subsection 5 of section
18 301.190. The insurer shall, thirty days prior to making
19 application for title, notify any owners or lienholders of record
20 for the vehicle that the insurer intends to apply for a
21 certificate of title from the director for the vehicle. Upon
22 receipt of the application and supporting documents, the director
23 shall search the records of the department of revenue to verify
24 the name and address of any owners and any lienholders. [After
25 thirty days from receipt of the application,] If the director
26 identifies any additional owner or lienholder who has not been
27 notified by the insurer, the director shall inform the insurer of
28 such additional owner or lienholder and the insurer shall notify

1 the additional owner or lienholder of the insurer's intent to
2 obtain title as prescribed in this section. If no valid
3 lienholders have notified the department of the existence of a
4 lien, the department shall issue a salvage certificate of title
5 or junking certificate for the vehicle in the name of the
6 insurer.

7 301.260. 1. The director of revenue shall issue
8 certificates for all cars owned by the state of Missouri and
9 shall assign to each of such cars two plates bearing the words:
10 "State of Missouri, official car number"
11 (with the number inserted thereon), which plates shall be
12 displayed on such cars when they are being used on the highways.
13 No officer or employee or other person shall use such a motor
14 vehicle for other than official use.

15 2. Motor vehicles used as ambulances, patrol wagons and
16 fire apparatus, owned by any municipality of this state, shall be
17 exempt from all of the provisions of sections 301.010 to 301.440
18 while being operated within the limits of such municipality, but
19 the municipality may regulate the speed and use of such motor
20 vehicles owned by them; and all other motor vehicles owned by
21 municipalities, counties and other political subdivisions of the
22 state shall be exempt from the provisions of sections 301.010 to
23 301.440 requiring registration, proof of ownership and display of
24 number plates; provided, however, that there shall be a plate,
25 or, on each side of such motor vehicle, letters not less than
26 three inches in height with a stroke of not less than
27 three-eighths of an inch wide, to display the name of such
28 municipality, county or political subdivision, the department

1 thereof, and a distinguishing number. Provided, further, that
2 when any motor vehicle is owned and operated exclusively by any
3 school district and used solely for transportation of school
4 children, the commissioner shall assign to each of such motor
5 vehicles two plates bearing the words "School Bus, State of
6 Missouri, car no." (with the number inserted
7 thereon), which plates shall be displayed on such motor vehicles
8 when they are being used on the highways. No officer, or
9 employee of the municipality, county or subdivision, or any other
10 person shall operate such a motor vehicle unless the same is
11 marked as herein provided, and no officer, employee or other
12 person shall use such a motor vehicle for other than official
13 purposes.

14 3. For registration purposes only, a public school or
15 college shall be considered the temporary owner of a vehicle
16 acquired from a [new] motor vehicle [franchised] dealer which is
17 to be used as a courtesy vehicle or a driver training vehicle.
18 The school or college shall present to the director of revenue a
19 copy of a lease agreement with an option to purchase clause
20 between the authorized [new] motor vehicle [franchised] dealer
21 and the school or college and a photocopy of the front and back
22 of the dealer's vehicle manufacturer's statement of origin or
23 certificate of title, and shall make application for and be
24 granted a nonnegotiable certificate of ownership and be issued
25 the appropriate license plates. Registration plates are not
26 necessary on a driver training vehicle when the motor vehicle is
27 plainly marked as a driver training vehicle while being used for
28 such purpose and such vehicle can also be used in conjunction

1 with the activities of the educational institution.

2 4. As used in this section, the term "political
3 subdivision" is intended to include any township, road district,
4 sewer district, school district, municipality, town or village,
5 sheltered workshop, as defined in section 178.900, and any
6 interstate compact agency which operates a public mass
7 transportation system.

8 301.642. Any insurer which purchases a motor vehicle or
9 trailer through the claims adjustment process for which there is
10 a valid lien or encumbrance perfected under sections 301.600 to
11 301.640 may, as an alternative to obtaining a lien release under
12 section 301.640, apply for a salvage certificate of title or
13 junking certificate on such motor vehicle or trailer by following
14 the procedures in this section. The insurer may request a letter
15 of guarantee from the lienholder containing a description of the
16 motor vehicle or trailer, including the vehicle identification
17 number, and indicating the amount payable by the insurer to the
18 lienholder in order to release the lien. Upon receipt from the
19 lienholder of such letter of guarantee, the insurer may, within
20 ten days of such receipt, remit payment to the lienholder in
21 accordance with the letter of guarantee and, if such payment
22 satisfies the lien amount indicated in the letter of guarantee to
23 release the lien, the lienholder shall provide proof of
24 satisfaction to the insurer. This procedure shall be followed
25 for each lienholder indicated on the certificate of ownership for
26 the motor vehicle or trailer. Such letter of guarantee and
27 corresponding proof of payment need not be notarized and may be
28 immediately transmitted electronically. The insurer may then

1 submit proof of such payments, a copy of each letter of
2 guarantee, and the title for such motor vehicle or trailer to the
3 department of revenue. The department shall accept such
4 documents in lieu of a lien release and process the insurer's
5 application.